

REMARKS

Applicants thank the Examiner the courtesy of conducting a telephonic interview with the undersigned Applicants' representative on August 10, 2009. During the interview, Applicants pointed out that Inuzuki does not teach the claimed "controller which sets a size of the block data ... depending on an attributed of the data, wherein the data attribute is color or monochrome." The Examiner indicated that he will further consider the Applicants' arguments following a formal written response. The details of the interview are discussed further below in response to the Office Action.

Claims 2-6 and 9-13 stand rejected under 35 USC 103(a) as being unpatentable over Ishikawa in view of Inuzuka. This rejection is respectfully traversed.

Independent claim 5 recites "a controller which *sets a size of the block of the data* to be compressed by said compressor *depending on an attribute of the data, wherein the data attribute is color or monochrome*" (emphasis added). This feature is not taught by the combination of Ishikawa and Inuzuka. The Examiner in fact concedes that Ishikawa does not teach this feature, but instead relies on Inuzuka as allegedly teaching this feature.

Inuzuka discloses a compression method in which the inputted image data is divided into several block units, each of which is then processed for compression. Inuzuka, col. 9, lines 8-14. In the exemplary embodiment of Inuzuka depicted in Fig. 7, the blocks are configured as 4 pixels x 4 pixels (for a total of 16 pixels per block), although other block sizes may be used. Inuzuka, Fig. 4 and col. 9, lines 7-17. Inuzuka discloses that the block size, as well as other parameters such as the kind of analogous colors within the block and the number of bits for the color signal, "may be set up." Inuzuka, col. 10, lines 6-9. Inuzuka further discloses that such parameters may be set up with a fixed value or may be set up as variables based on the "characteristics of the image signal." Inuzuka, col. 7, lines 8-12. However, Inuzuka does not include any further disclosure regarding what is meant by "characteristics of the image signal" used to set up these parameters.

Inuzuka's reference to "characteristics of image signal" does not, with any specificity or particularity, teach or suggest the claimed requirement that the size of the block be set according to "color or monochrome" attributes of the image data. "The fact that a claimed species or subgenus is encompassed by a prior art genus is not sufficient by itself to establish a *prima facie* case of obviousness." MPEP 2144.08 citing *In re Baird*, 16 F.3d 380, 382, 29 USPQ2d 1550, 1552 (Fed. Cir. 1994). In determining obviousness where the prior art teaches a genus, the MPEP sets out various factors, such as the size of the genus and the express teachings of the genus, to be considered. MPEP 2144.08. In this case, Inuzuka's teaching is targeted to a genus that is so broad and abstract that it is not nearly sufficient to establish a *prima facie* case of obviousness for the claimed invention. Inuzuka provides no examples of what constitutes "characteristics of image signal" and characteristics of image signal is so broad a concept that it could encompass anything related to the image such as the image content, image format, file format, the display characteristics, etc. Inuzuka's mere mention of "characteristics of the image signal" would not have suggested or motivated a person of ordinary skill in the art to set the block size according to color or monochrome attributes specifically. Accordingly, Inuzuka fails to overcome the deficiency of Ishikawa in teaching the claimed invention.

Claim 5 is therefore allowable. All other independent claims recite similar features as claim 5 and are similarly allowable. The dependent claims are allowable for their respective dependencies from an allowable claim.

In view of the above, this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **325772034800**.

Dated: August 20, 2009

Respectfully submitted,

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